

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00363-04 SOM
	)	
Plaintiff,	)	DECLARATION OF COUNSEL
vs.	)	
	)	
DANIEL LYNN MYERS (04),	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF COUNSEL**

I, CYNTHIA A. KAGIWADA, hereby declare as follows:

1. I am counsel for defendant, DANIEL LYNN MYERS, having been appointed pursuant to the Criminal Justice Act by court order filed October 25, 2006.
2. The facts and statements set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief.
3. On December 14, 2006, I requested the trial transcripts from Court Reporter Sharon Ross.
4. On January 16, 2007, I spoke to Assistant United States Attorney Kenneth Sorenson. Mr. Sorenson indicated that he would not oppose a continuance of the sentencing hearing.

5. On January 27, 2007, I spoke to Court Reporter Sharon Ross. Ms. Ross indicated that she should have all of the transcripts completed by February 11, 2007.
6. As the undersigned counsel was not Mr. Myers's trial attorney, it will be necessary to review the trial transcripts in order to prepare for the sentencing hearing. Counsel requests a sixty-day continuance of the sentencing hearing in order to allow sufficient time for Ms. Ross to complete the transcripts and for counsel to review the transcripts.
7. This motion is not being presented for any improper purpose such as to harass or cause needless delay but is intended to further the fair administration of justice.

I declare under penalty of perjury that the foregoing statements are true and correct, to the best of my knowledge, information, and belief.

DATED: Kaneohe, Hawaii, January 31, 2007.

/s/ Cynthia A. Kagiwada  
CYNTHIA A. KAGIWADA  
Attorney for Defendant  
DANIEL LYNN MYERS